

NOTICE OF 120-DAY (EMERGENCY) RULE

- The agency identified below in box 1 provides notice of a 120-day (emergency) rule pursuant to Utah Code Section 63G-3-304.
- Please address questions regarding information on this notice to the agency.

Agency Information

1. Agency: Insurance - Administration
 Room no.: 3110
 Building: STATE OFFICE BLDG
 Street address 1: 450 N MAIN ST
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84114-1201
 Mailing address 1: PO BOX 146901
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 34127 Date filed: 09/30/2010 04:30 PM
 State Admin Rule Filing Key: 150279
 Utah Admin. Code ref. (R no.): R 590 - 259 -

Title

2. Title of rule or section (catchline):
 Dependent Coverage to Age 26.

Effective Date

3. Effective Date (mm/dd/yyyy): 9/30/10

Rule Purpose

4. Purpose of the rule or reason for the change:
 The purpose of the rule is to ensure access to coverage for dependent children, as required under the federal Patient Protection Affordable Care Act of 2010, Pub. L. No. 111-148, 124 Stat. 119, 2010, and the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029, 2010, that went into effect September 23, 2010.

Rule Summary

5. Summary of the rule or change:
 The rule has been created to ensure access to coverage for dependent children, as required by the U.S. Department of Health Human Services (HHS) and under the federal Patient Protection Affordable Care Act that went into effect September 23, 2010. As of September 23 insurers have declined coverage to dependent children until the state defines the terms of an "Open Enrollment Period." requires the state to define the terms of an open enrollment period.
6. Regular rulemaking procedures would:
 cause an imminent peril to the public health, safety, or welfare;

Children are being denied access to health insurance coverage. HHS recently notified the states that insurers could limit enrollment of children if the state defined the terms of an open enrollment period. Instead of

Justification: enrolling children until the terms of an open enrollment period are defined, insurers are denying coverage to all children. Therefore, immediate action is necessary for compliance with the Patient Protection Affordable Care Act which requires all children under age 19 access to health insurance coverage without any waiting period.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

No filings will need to be made by insurers. The change will require insurers to change their internal procedures. None of this will have a fiscal impact on the department or the state's budget.

B) Local government:

Affected: No

Local governments will not be affected by this rule since it relates to the relationship between the department and their life insurance licensees.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

This rule will only impact health insurers who are considered large businesses.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Health insurers will be required to comply with the Patient Protection Affordable Care Act by providing insurance to children. Families and children will be able to obtain coverage during an open enrollment period.

Compliance Cost Information

8. Compliance costs for affected persons:

Health insurers will be required to comply with the Patient Protection Affordable Care Act by providing insurance to children. Families and children will be able to obtain coverage during an open enrollment period.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The rule itself does not create the fiscal impact but rather requires insurers to implement the requirements of the new federal law.

B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Insurance Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

31A-22-605

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:

Date Issued:

Issue, or version:
ISBN Number:
ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes:

Indexing Information

12. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
health insurance open enrollment

File Information

13. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the agency: Information requested on this form is required by Sections 63G-3-301, 304, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date and publication in the Utah State Bulletin.

Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information
Specialist

Date (mm/dd/yyyy): 09/30/2010